

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF ADAM CHRISTOPHER JENSEN,
by the Personal Representative PAULA DOW, *et*
al.,

Plaintiffs,

v.

COUNTY OF SNOHOMISH, *et al.*,

Defendants.

CASE NO. C20-1320-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' stipulated notice of dismissal of Plaintiff's claims against Defendants County of Snohomish, Snohomish County Deputy Sheriff William Westsik, Snohomish County Deputy Sheriff Kevin Pelleboer, and "Doe(s) 1-100" employees of County of Snohomish. (Dkt. No. 82). The stipulation excludes Defendant Everett City Police Department. Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a "plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Here, the parties nevertheless request that the Court enter a proposed order filed with their stipulation. (*See* Dkt. No. 82 at 3.)

Although Rule 41 governs dismissal of an "action," the Ninth Circuit has held that a

1 “plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice.” *Wilson*
2 *v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Here the parties have stipulated to
3 dismissing all claims against certain defendants and the stipulation is signed by all parties who
4 have appeared. (*See* Dkt. No. 82 at 2.) Thus, under Federal Rule of Civil Procedure
5 41(a)(1)(A)(ii), the stipulation is self-executing.

6 All claims against Defendants County of Snohomish, Snohomish County Deputy Sheriff
7 William Westsik, Snohomish County Deputy Sheriff Kevin Pelleboer, and “Doe(s) 1-100”
8 employees of County of Snohomish are DISMISSED with prejudice and without costs to any
9 party, with each party to bear its own attorney fees and other litigation expenses. The claims
10 asserted against Defendant City of Everett remain.

11 DATED this 16th day of September 2021.

12 Ravi Subramanian
13 Clerk of Court

14 s/Sandra Rawski
15 Deputy Clerk
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